

ZMO LAW PLLC

October 20, 2023

Via ECF and email

Hon. John G. Koeltl
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

RE: *United States v. Jonathan Torres*, 23 Cr. 395 (JGK)

Dear Judge Koeltl:

This office represents Jonathan Torres in the above-captioned matter. Mr. Torres is presently on home incarceration awaiting trial on the above-referenced indictment. We write at this time to request a schedule change that would allow him to celebrate his 30th birthday at a restaurant tomorrow with his family.

Specifically, we ask that Mr. Torres be permitted to leave his house for brunch with his mother and sisters at a Manhattan restaurant on October 21, 2023 from noon to 4 p.m. We have provided the name and address of the restaurant to Pretrial Services and the government.

Mr. Torres, who is wheelchair bound due to a bone disease known as *osteogenesis imperfecta*, has been on home incarceration with electronic monitoring since his arrest on June 15, 2023. I spoke today to his assigned Pretrial Services Officer Francesca Piperato. She advises that as a matter of policy Pretrial opposes all social requests but noted that Mr. Torres has been in full compliance with his conditions of his release to date.

I have reached out to the government and they advise they object to the proposed modification.

I apologize for the lateness of this request and have advised Mr. Torres that future schedule change requests need to be made well in advance.

Application denied. The request is inconsistent with home incarceration and there is no reason the celebration cannot be held at home. So ordered. JGK/Kelly 10/20/23.

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I respectfully submit that permission to spend a few hours out of the house at a Dominican restaurant on his 30th birthday is both important to Mr. Torres's emotional well-being and presents minimal risk. He will be with his family, who has supported his compliance these past four months. With their help, he has adjusted well to home confinement, despite the government's repeated efforts to rescind it. The restaurant is in upper Manhattan, not far from his home in the Bronx. His location will be monitored the whole time he is out. Before the case was indicted, he was granted permission to leave the house to handle social security paperwork in July and completed the errand without incident and without objection from the government.

Thank you for your attention to this case.

Very truly yours,

Zachary Margulis-Ohnuma

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CC: AUSA Courtney L. Heavey
AUSA Christy Slavik